

FEDERAL MARITIME COMMISSION

DOCKET NO. 14-04

EDAF ANTILLAS, INC.

v.

**CROWLEY CARIBBEAN LOGISTICS, LLC;
IFS INTERNATIONAL FORWARDING, S.L.; and
IFS NEUTRAL MARITIME SERVICES**

DECEMBER 16, 2014, AMENDMENT TO DISCOVERY SCHEDULE

The August 14, 2014, Discovery Schedule required the parties to complete depositions of fact witnesses by December 18, 2014, and closed discovery January 8, 2015. The Schedule also required the parties to file a joint status report on December 10, 2014, and include in that report a proposed schedule for submission of proposed findings of fact, appendices with documentary evidence supporting the proposed findings, and briefs and a statement of whether the parties believe that an oral hearing is necessary. *Edaf Antillas, Inc. v. Crowley Caribbean Logistics, LLC; IFS International Forwarding, S.L.; and IFS Neutral Maritime Services*, FMC No. 14-04 (ALJ Aug. 14, 2014) (August 14, 2014, Discovery Order).

The parties filed the joint status report on December 12, 2014. The report states that because of significant family matters, Respondents consented to extend the date for complainant Edaf Antillas, Inc., to serve its discovery responses until December 5, 2014, and that Edaf Antillas has served its responses. Respondent IFS Neutral Maritime Services has noticed the deposition of a witness identified in the responses, but the parties do not believe that they will be able to conduct the deposition before the holidays. The parties jointly ask to extend the deadline for completion of depositions to January 19, 2015, and extend the deadline for close of discovery to February 9, 2015. They also ask that submission of the proposed schedule that would govern filing of briefs and evidence be postponed until the next joint status report.

The parties are reminded that “[a] scheduling order ‘is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel without peril.’” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992) (quoting *Gestetner Corp. v. Case Equipment Co.*, 108 F.R.D. 138, 141 (D. Me. 1985)). Moreover, “[p]arties cannot control an agency’s docket or procedures through agreement among themselves.” *Simmons v. United States*, 698 F.2d 888, 893 (7th Cir. 1983). These circumstances provide good cause to extend the discovery deadlines, but due to the May 4, 2015, deadline for issuance of the initial decision, the extension is more limited than they request. It is hereby

ORDERED that the deadline for deposition of fact witnesses is extended to January 20, 2015, and the date for close of discovery is extended to January 26, 2015.

The parties are ordered to file joint status reports on January 9, 2015, and January 30, 2015. The January 9, 2015, status report must address the following matters: (1) Keeping in mind the initial decision due date of May 4, 2015, the parties must propose a schedule for submission of proposed findings of fact, appendices with documentary evidence supporting the proposed findings, and briefs; (2) If a party or parties believe that an oral hearing is necessary, the parties should identify with particularity the issues that cannot be resolved without a hearing and/or the nature of the matters in issue that require a hearing. If the parties believe that an oral hearing is necessary, they must propose a location for the hearing. The presiding judge will determine the necessity of an oral hearing and place of the hearing.



Clay G. Guthridge
Administrative Law Judge